IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:08-HC-2101-D

UNITED STATES OF AMERICA,)
Petitioner,)
v.	ORDER
FRANCISCO CASTREJON-ALVAREZ,)
Register Number 16245-085,)
)
Respondent.)

On June 24, 2010, respondent filed a motion for a hearing [D.E. 10] on the merits of the government's petition for respondent's commitment pursuant to 18 U.S.C. § 4248. On the same day, respondent also filed a motion to dismiss [D.E. 9] the government's petition, but "requests this Court hold this Motion to Dismiss in abeyance pending the outcome of the § 4248 hearing." Mot. Dismiss at 3. On November 16, 2010, respondent filed a motion to transfer venue [D.E. 24] of this action to the District of Washington.

The parties have commenced discovery in anticipation of a hearing, and on November 19, 2010, the government filed a motion to seal [D.E. 26] several forensic reports in the record, along with all future forensic reports. By order filed November 9, 2010, the court allowed respondent's motion for an extension of discovery, and respondent has until March 7, 2011, in which to serve his initial disclosures.

In light of the parties' efforts to litigate the merits of the government's petition, respondent's motions to dismiss [D.E. 9] and for transfer of venue [D.E. 24] are DENIED WITHOUT PREJUDICE. The government's motion to seal [D.E. 26] is ALLOWED. Furthermore, pursuant

to Federal Rule of Civil Procedure 5.2(d), Local Civil Rule 79.2, EDNC, and Section T of the

court's CM/ECF Administrative Policy Manual, the court ORDERS that the parties file any future

forensic evaluations or other psychological or psychiatric documents in this case under seal, whether

such documents are produced by government evaluators, independent examiners, or other mental

health professionals.

Respondent's motion for a hearing [D.E. 10] is also ALLOWED. The court refers to United

States Magistrate Judge James E. Gates all prehearing matters in this case. Magistrate Judge Gates

shall hear and determine all prehearing procedural or discovery motions, and all other

non-dispositive prehearing matters, including conducting any final prehearing conference, and shall

submit reports and recommendations and conduct any associated hearings on all remaining

prehearing matters, pursuant to 28 U.S.C. § 636(b)(1)(A) & (B), (3), Local Civil Rule 72.3(a)–(c),

(h), EDNC, and Standing Order No. 10-SO-01, ¶ 5 (E.D.N.C. Aug. 4, 2010).

SO ORDERED. This 30 day of November 2010.

AMES C. DEVER III

United States District Judge

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